

Planning Commission Date: December 13, 2006

Item No. 1.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Cindy Maxwell

Public Hearing: Yes: X No:

Notices Mailed On: NA

Published On: 11/30/2006

Posted On: N/A

TITLE: **GENERAL PLAN AMENDMENT NO. GP2006-6 AND
ZONING ORDINANCE TEXT AMENDMENT NO. ZT2006-6**

PROPOSAL:

1. General Plan Amendment
Amend the General Plan text to provide an Institutional land use designation.
2. Zoning Ordinance Amendments
 - a. Add Section XI-10.23.01 'I' Institutional District to the Zoning Ordinance and allow a Use Permit for Farmers' Markets.
 - b. Amend the 'C1' and 'C2' zoning districts to allow a Use Permit for Farmers' Markets.
 - c. Add Section XI-10-2.38-1.5, definition of the term "Farmer's Market".

RECOMMENDATION: **Close the public hearing. Recommend approval to the City Council.**

Applicant: City of Milpitas

Previous Action(s): Use Permit approval and 'S' Zone Approval

Environmental Info: Exempt pursuant to Section 15301, Class 1(e)

Agenda Sent To: Milpitas Unified School District, 1331 E. Calaveras Blvd., Milpitas, CA 95035, Attn: Dr. Karl Black

Santa Clara County Executive's Office, 70 West Hedding Street,
11th Floor, San Jose, CA 95110, Attn: Pete Kutas

PROPOSAL DESCRIPTION

General Plan Amendment

Proposals

- Create an “Institutional” land use classification designation in the General Plan.
- Create a new “T” Institutional zoning district.
- Specifically list “Farmers’ Markets” as an allowable land use subject to a conditional Use Permit in the “C1” Neighborhood Commercial, “C2” General Commercial and “T” Institutional-zoning districts.
- Create a definition of “Farmers’ Market” in the Zoning Ordinance.

Zoning Ordinance Amendments

Institutional District: The proposed Zoning Ordinance Amendments would create a new “T” Institutional zoning district and specifically list “Farmers’ Markets” as an allowable land use subject to a conditional Use Permit. In addition, this item also request amendments to the new “T” zone as well as in the “C1” Neighborhood Commercial, and “C2” General Commercial zones to allow the Use of a Farmers Market with a Use Permit.

The proposed “T” Institutional zoning district would be consistently applied to publicly owned facilities and improve the clarity of the City’s zoning organization.

Farmers’ Markets: The proposed Use Permit process for Farmers’ Markets will provide a clear and easily understandable review process. It is proposed that the Zoning Ordinance be

DISCUSSION

General Plan

The existing General Plan specifically identifies the location of public schools and the Elmwood Correctional Facility on the Land Use map but does not address many types of public facilities. The proposed General Plan Amendment would identify all City-owned facilities so zoning can be applied uniformly with the “T” Institutional zoning district.

The General Plan map shall be modified to show the following uses under Institutional Zoning District as discussed below as “Institutional”:

INSTITUTIONAL DESIGNATION

The Institutional classification is for parcels owned by public agencies and intended to be accessed by the public. There are four institutional classifications:

1. *Schools*
2. *Correctional Facility*
3. *Public Facilities*

Zoning Ordinance

Institutional District: Currently, public facilities are located in ten different zoning districts:

<i>Public Facility</i>	<i>Zoning District</i>
Schools, District Office	"R1-6" Single Family Residential
County Correctional Facility	"A" Agriculture
City Hall, Library, Community Center	"TC-S" Town Center
Future Library	"MXD-TOD-S" Mixed Use with Transit Oriented Overlay
Senior Center	"MXD-S" Mixed Use
Police/Public Works	"HS-S" Highway Service
Sportscenter	"R1-6" Single Family Residential
Fire Station 1	"MXD-S" Mixed Use
Fire Station 2	"R3-S" Multi-Family High Residential
Fire Station 3	"R1-6" Single Family Residential
Fire Station 4	"MP-S" Industrial Park
Park & Ride Lot	"MP-S" Industrial Park & "C2-S" General Commercial

A separate zoning district for public facilities is commonly used for improved clarity and easier use of a community's zoning organization and regulations. Of ten local communities, eight have a special district for public facilities:

<i>Jurisdiction</i>	<i>Zoning for Public Facilities</i>
Campbell	Public Facilities
E. Palo Alto	No special district
Fremont	Public Facilities
Mountain. View	Public Facility
Palo Alto	Public Facilities
Pleasanton	Public and Institutional District
San Jose	No special district
Santa Clara	"B" Public, Quasi-Public, and Public Park or Recreation
Sunnyvale	Office and Public Facilities

Farmers' Markets: The Farmers' Market is a highly desired use by Milpitas residents. The Market has been unable to operate for the last 18 months due their inability to find a suitable location now that the Town Center is not available. In the past, they received Use Permits as a limited temporary use and as a conditional use in the Town Center zoning district. The proposed Use Permit process for Farmers' Markets will provide a clear and easy to understand review process and help facilitate the siting of a new Farmers' Market in Milpitas. This Zoning Ordinance Text amendment proposes that Farmer's Market be added to the C1 "Neighborhood Commercial" and C2 "General Commercial" zoning districts as section XI-10-18.03-5.2 and XI-10-19.03-16.5.

The following definition of Farmer's Market is proposed as Section XI-10-2.38-1.5: An event offering for sale produce, food items, and related goods and merchandise by certified growers authorized to sell, directly to consumers, products that are produced on land the producer controls or taken in consignment from other producers.

Next Steps

- The Planning Commission and City Council will hold public hearings to designate and rezone specific sites for the Institutional land use designation and zoning district.
- Potential sites are facilities owned and maintained by public agencies such as the Milpitas Unified School District (i.e., schools, district offices), Santa Clara County (i.e., Elmwood, library) and City facilities (i.e., City hall, police and public works building, fire stations).

ENVIRONMENTAL REVIEW

This project is exempt from further environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. Projects are exempt where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

RECOMMENDATION

Close the public hearing. Recommend approval of General Plan Amendment GP2006-6 and Zoning Ordinance Amendment ZT2006-6 to the City Council.